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In re: Mark Andrew Boys
Case: P1364 Application No.: 10/016,831 Filing date: 12/12/2001
Art Unit: 3621 Examiner: Hewitt II, Calvin L.
Subject: A Direct Passthrough System for Financial Contributions

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Attention: Hewitt II, Calvin L., Examiner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3621

Examiner: Hewitt II, Calvin L.

In Re: Mark Andrew Boys
Case: P1364
Serial No.: 10/016,831
Filed: 12/12/2001
Subject: A Direct Passthrough System for Financial Contributions

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**Reply Brief
to Examiner's Answer
to Appeal Brief**

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In the claims:

1. (Previously presented) A system for managing donations comprising:
 - an Internet-connected server accessible by donors using an Internet browser;
 - a data store accessible to the server and storing information about individuals or families, pre-qualified for donations and associated each with a specific account with a financial institution, the account enabling the potential donors to make contributions and the pre-qualified individuals or families to withdraw donated funds; and
 - software executing on the server, enabling the donors to obtain specific information about the pre-qualified individuals or families, and also enabling the donors to select one or more of the pre-qualified individuals or families and to make donations to the specific accounts associated with the selected pre-qualified individuals or families.
2. (Previously presented) The system of claim 1 wherein the pre-qualified individuals or families are organized into project groups, and projects are listed as selectable entities, which, when selected, allow the selecting donors to obtain information about the pre-qualified individuals or families associated with the selected project.
3. (Previously presented) The system of claim 1 further comprising an interactive voice response (IVR) system through which a donor may interact with the system by telephone to obtain the specific information associated with the pre-qualified individuals or families.
4. (Previously presented) The system of claim 1 wherein a donation made by a donor to an account associated with a pre-qualified individual or family results in a withdrawal of the donated amount from an account associated with the donor.
5. (Previously presented) The system of claim 4 wherein the software executing on the server enables donors and individuals and families to set up accounts at financial

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institutions, the accounts then associated with the system.

6. (Previously presented) The system of claim 5 wherein the software enables donors and individuals and families to view account information in the accounts set up.

7. (Previously presented) The system of claim 1 wherein the software executing on the server enables individuals and families to provide information to the system to be processed by the system to pre-qualify the individuals and families, which may then be presentable by the system to donors.

8. (Previously presented) The system of claim 1 wherein the software enables non-cash donations to be made to the pre-qualified individuals and families from cash donations made by donors.

9. (Original) The system of claim 8 wherein the non-cash donations are made in the form of documents redeemable at pre-qualified and cooperating sites for goods and services.

10. (Original) The system of claim 9 wherein the documents take the form of cards issued for a total amount and redeemable in portions of the total amount until the total amount is redeemed.

11. (Previously presented) The system of claim 9 wherein the documents are associated with the specific individuals and families by an identification procedure, and are non-transferable.

12. (Previously presented) The system of claim 11 wherein the identification procedure comprises creating a virtual identity for a pre-qualified individual or family and issuing a second document bearing the virtual identity, which must be associated with the redeemable document to implement redemption of any portion of the associated donation.

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13. (Previously presented) A method for managing donations, comprising the steps of:

(a) providing an Internet-connected server accessible by donors using an Internet browser;

(b) providing a data store accessible to the server and storing information about individuals and families pre-qualified for donations; and

(c) executing a software suite in the server, enabling a donor to obtain specific information about the pre-qualified individuals and families, and to select one or more of the pre-qualified individuals or families and to make a donation directly to an account associated with the selected individual or family.

14. (Previously presented) The method of claim 13 wherein the pre-qualified individuals or families are organized into project groups, and projects are listed for a donors as selectable entities, which, when selected, allow the selecting donor to obtain information about the pre-qualified individuals or families associated with the selected project.

15. (Previously presented) The method of claim 13 further comprising an interactive voice response (IVR) system through which a donor may interact with the system by telephone.

16. (Previously presented) The method of claim 13 wherein a donation initiated by a donor for a selected individual or family results in a withdrawal of the donated amount from an account associated with the donor.

17. (Previously presented) The method of claim 16 wherein the software enables setting up accounts at financial institutions for donors and individuals and families.

18. (Previously presented) The method of claim 17 account details may be displayed on demand to either of donors and individuals and families.

19. (Previously presented) The method of claim 13 wherein the software enables

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individuals and families to register with the system and provide information, and processes the information to pre-qualify the individuals or families.

20. (Previously presented) The method of claim 13 wherein the software enables non-cash donations to be made to pre-qualified individuals and families for cash donations made by donors.

21. (Original) The method of claim 20 wherein the non-cash donations are made in the form of documents redeemable at pre-qualified and cooperating sites for goods and services.

22. (Original) The method of claim 21 wherein the documents take the form of cards issued for a total amount and redeemable in portions of the total amount until the total amount is redeemed.

23. (Previously presented) The method of claim 21 wherein the documents are associated with pre-qualified individuals and families by an identification procedure, and are non-transferable.

24. (Previously presented) The method of claim 23 wherein the identification procedure comprises creating a virtual identity for an individual or family and issuing a second document bearing the virtual identity, which must be associated with the redeemable document to implement redemption of any portion of the associated donation.

25-26. (Canceled)

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Remarks

The present paper is a response to the Examiner's answer to Appeal Brief, the answer mailed on August 3, 2006.

The applicant, after having read the Examiner's answer, provides this paper to make several points, some perhaps supporting previous arguments made, and some perhaps new.

Firstly, regarding the rejection of claims 1-12 as indefinite because the Examiner is confused by the language "associated each", the applicant provides the following:

The "associated each" couplet is taken entirely out of context. The element of the claim recites: "...a data store accessible to the server and storing information about individuals or families, pre-qualified for donations and associated each with a specific account with a financial institution, the account enabling the potential donors to make contributions and the pre-qualified individuals or families to withdraw donated funds;" The Examiner might well prefer "each associated" or some further language, but in the context of the sentence the association can only be of the individuals or families each associated with a specific account. If the word "and" between "donations" and "associated" were to be removed, then one could read that the specific accounts might be associated with the donations. But unarguably, the language that the specific accounts enable the pre-qualified individuals or families to withdraw donated funds makes it very difficult to believe that the Examiner or any other reader might be confused as to whom the account is associated.

In context, it should be perfectly clear that each individual or family pre-qualified for donations is associated with an account at a financial institution. The further language "...the account enabling the potential donors to make contributions and the pre-qualified individuals or families to withdraw donated funds;" should make it abundantly clear.

In regard to the Examiner's comments about applicant's argument that "ownership of the money donated never resides in an intermediary": The Examiner states he

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disagrees, and then states that claims 1 and 13 are silent regarding such a recitation.

Firstly, the statement that Gruber does not teach that "the ownership of the money donated never resides in an intermediary" is absolutely true, and although the Examiner says he disagrees, he does not attempt to point out where Gruber might teach this. The applicant never argued that the specific language regarding ownership of the donated money was in the claim. But given the limitations of claim 1, there is never any ownership of donations by an intermediary, s there is in Gruber. And this is a principle object of the invention that an intermediary organization, such as Gruber, never owns the money donated.

Regarding the Examiner's comments about "pre-qualifying individuals and creating a joint account between the donor and the individual recipient wherein the donor donates to the account and the individual may withdraw from the same account: The Examiner jumps on the single word "joint". The applicant's argument does not maintain that the word "joint" is in the claim, but the language of the limitation makes it perfectly clear that there is an account, the donor can deposit money in it, and the pre-qualified individual or family associated with the account can withdraw from it. That is the limitation, and **it is not shown in Gruber or in any other reference in the cited art.**

In regard to "...a recipient in control of the donated money..." the Examiner splits the same hair by claiming the language of control is not in the claim, and then states that the claim does recite individuals or families making withdrawals from the account. The Examiner makes a very convoluted argument that to one of ordinary skill in the art recipients, such as politicians, make withdrawals.

The applicant wishes to point out neither Gruber, nor any other cited art, teaches that there is even an account associated with an individual or a family, so how the person of ordinary skill could conclude that anyone could make a withdrawal from an account that is not even hinted as existing, is at best a long, long stretch.

Regarding the applicant's argument that the art "does not teach recipient as individuals or families" the Examiner argues that Gruber system is directed to the broad class of charitable organizations. The applicant wishes to point out that he **does not claim a charitable organization**, and this is at the heart of the impasse between this

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Examiner and the applicant. Gruber is a charitable organization, as urged by the Examiner. The applicant, however, claims a "...system for managing donations...". There is more than one salient difference. For one thing, it is difficult to understand how a person of ordinary skill might consider a single person an "organization". It takes a **plurality** to define an organization. But more importantly, a charitable organization both collects from donors and contributes to recipients. The contribution to recipients is the charitable endeavor. In applicants system, as claimed, the donor donates the money directly to the final recipient, who can withdraw the money. **ONLY THE DONOR AND THE RECIPIENT ARE INVOLVED.** There is no intermediary that makes (charitable) contributions from the pool of money donated, as in Gruber. And that is the point.

In summary, in answer, the issue here should be whether or not the prior art teaches the limitations of the claims, and in the applicant's view it is perfectly clear that the limitations of the claims are not met in the art.

If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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